

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MARK STINSON,

Plaintiff,

v.

Case No. 2:21-cv-2128-MSN-tmp

JUDGE JOHN T. FOWLKES, ET AL.,

Defendants.

**ORDER GRANTING MOTION TO AMEND COMPLAINT (ECF NO. 9);
DISMISSING AMENDED COMPLAINT WITH PREJUDICE (ECF NOS. 8 & 9);
DENYING LEAVE TO AMEND;
DENYING MOTION FOR SUMMARY JUDGMENT (ECF NO. 10);
DENYING MOTION TO APPEAL *IN FORMA PAUPERIS* (ECF NO. 11);
DISMISSING CASE;
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH;
NOTIFYING PLAINTIFF OF APPELLATE FILING FEE;
AND RECOMMENDING THAT THIS DISMISSAL BE TREATED AS A STRIKE
UNDER 28 U.S.C. 1915(g)**

Before the Court are Plaintiff Mark Stinson's: (1) motion to amend his claims (ECF No. 9); and (2) amended complaint (ECF Nos. 8 & 9). He is presently confined under booking number 29908-076 at FCI Forrest City Low in Forrest City, Arkansas. (ECF No. 9-1 at PageID 84.)

For the reasons explained below: (1) Stinson's motion to amend (ECF No. 9) is **GRANTED**; (2) the amended complaint (ECF Nos. 8 & 9) is **DISMISSED WITH PREJUDICE**; (3) leave to amend is **DENIED**; (4) Stinson's summary judgment motion (ECF No. 10) is **DENIED**; (5) Stinson's motion to proceed *in forma pauperis* on appeal (ECF No. 11) is **DENIED**; and (6) this case is **DISMISSED**.

I. BACKGROUND

The Court has previously summarized the events from which Stinson's claims in this case arise. They need not be recounted here. (See ECF No. 7 (the "Screening Order") at PageID 58–59 & 62–69.) On April 19, 2021, the Court screened Stinson's claims (ECF No. 1), dismissed them without prejudice, and granted leave to amend. (ECF No. 7 at PageID 71.) On April 28, 2021, Stinson timely filed a motion to amend, along with an amended complaint. (ECF Nos. 8 & 9.) Therefore, his motion to amend (ECF No. 9) is **GRANTED**.

II. DISCUSSION

The Screening Order summarized (1) the legal standard for screening Stinson's claims and (2) the requirements to state a claim under 42 U.S.C. 1983 and *Bivens v. Six Unknown Fed. Agents*, 403 U.S. 388 (1971). (ECF No. 7 at PageID 60–62.) The Court applies those same standards and requirements *infra* for screening Stinson's amended complaint.

Stinson's amended complaint sues the same Defendants whom Plaintiff named in his initial pleading—*i.e.*,: (1) Judge John T. Fowlkes, Jr.; (2) Assistant United States Attorney ("AUSA") Damon Keith Griffin; (3) attorney Nathan Patrick Brooks of the United States Department of Justice, Tax Division ("DJTD"); (4) Arthur Quinn, Esquire; (5) Patrick E. Stegall, Esquire; (6) Tennessee Chancellor JoeDae L. Jenkins; and (7) Larry C. Miller, Esquire. (ECF No. 8 at PageID 73–77; ECF No. 9 at PageID 81–82; *cf.* No. 21-2128-MSN-tmp ("2128 Case"), ECF No. 1 at PageID 2–4; *cf.* No. 21-2148-MSN-tmp ("2148 Case"), ECF No. 1 at PageID 2–3.) Stinson seeks a total of \$14,000,000 for "aggravated pain and suffering [and] aggravated defamation of character." (ECF No. 8 at PageID 78.)

The amended complaint adds some generalized factual allegations against these seven Defendants, beyond those alleged in Plaintiff's initial pleading. However, Stinson's claims are

time-barred. The amended complaint also fails, in any event, to allege a basis to relief. The Court addresses these points in turn.

Statute Of Limitations For § 1983 Claims: As an initial matter, the amended complaint's claims are time-barred.

The indictment against Stinson was filed in November 2016. (No. 16-cr-20247-001 ECF No. 3.) Stinson's trial occurred in December 2017. (*Id.* at ECF Nos. 73–85.) The Screening Order invited Stinson to clarify and support his allegation in this case of ongoing injuries. (ECF No. 7 at PageID 66 n. 4.) He has not done so. The amended complaint simply repeats his original blanket contention that his injuries are ongoing. (ECF No. 8 at PageID 78.) He alleges no facts that flesh out his speculation. Conclusory allegations such as these “are not entitled to the assumption of truth.” *See Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009); *see also* Fed. R. Civ. P. 8(a); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555–57 (2007) (although a complaint need contain only “a short and plain statement of the claim showing that the pleader is entitled to relief,” Rule 8 nevertheless requires factual allegations to make a “‘showing,’ rather than a blanket assertion, of entitlement to relief”).

The latest-occurring incident that the amended complaint describes is Stinson’s sentencing by Judge Fowlkes. (See ECF No. 8 at PageID 75–76.) Since the limitations period for § 1983 actions arising in Tennessee is one year, *see* Tenn. Code Ann. § 28-3-104(a)(1)(B) and *Roberson v. Tennessee*, 399 F.3d 792, 794 (6th Cir. 2005), the statute of limitations for Stinson’s claims in this case expired on March 2, 2019—*i.e.*, one year after Judge Fowlkes entered judgment against Stinson on March 1, 2018. (See No. 2:16-cr-20247-001-JTF, ECF No. 109.) Stinson filed the 2128 Case on February 12, 2021. (2128 Case, ECF No. 1.) Therefore, his amended

complaint's claims are barred by the statute of limitations. Accordingly, the amended complaint is **DISMISSED WITH PREJUDICE.**

Nevertheless, in the interests of full consideration of the instant record, the Court notes that Stinson's amended pleading also suffers from the following pleading defects. The deficiencies described *infra* underscore the propriety of the amended complaint's dismissal with prejudice.

§ 1983 Claims Against Quinn, Stegal & Miller: Seeking \$2,000,000 from Quinn, who was Stinson's trial counsel, the amended complaint repeats the original pleading's allegations that Quinn: rendered ineffective assistance as counsel; converted client funds; "houn[d]ed" Stinson to accept a plea deal"; failed to investigate; and failed to interview "vital witnesses" and "collect vital evidence." (ECF No. 8 at PageID 74–75; *see also* ECF No. 7 at PageID 68 (internal citations omitted).) The amended complaint further alleges that Quinn: created a conflict of interest; failed to argue P.T.S.D. on Stinson's behalf; failed to call the Veterans Affairs doctor as a witness; failed to "mention" that IRS and State Department witnesses gave false testimony; and failed to appeal. (ECF No. 8 at PageID 74–75.) On August 27, 2021, Stinson filed a motion for summary judgment ("MSJ") that mirrors his amended complaint's claims of counsel's ineffectiveness. (ECF No. 10 at PageID 86–87 (seeking \$14 million for pain, suffering, and defamation because counsel committed "bad lawyering" by, *inter alia*, failing to argue that Plaintiff suffers from P.T.S.D.).)¹

¹ A party asserting the presence or absence of genuine issues of material facts must support its position either by "citing to particular parts of materials in the record," including depositions, documents, affidavits or declarations, stipulations, or other materials, or by "showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact." Fed. R. Civ. P. 56(c)(1). To this end, motions for summary judgment before this Court "shall be accompanied by a separate, concise statement of the material facts as to which the moving party contends there is no genuine issue for trial. Each fact shall be set forth in a separate, numbered paragraph. Each fact shall be supported by specific citation to the record." Local Rule 56.1(a). Therefore, the MSJ's request for "the Rule of Lenity [sic] . . . to settle[] . . . all ambiguities in [Stinson's] favor" as to his claims against Defendants, *see* ECF No. 10 at PageID 88, is not well-taken. Contrary to Stinson's

Seeking \$1,000,000 from Stegal, who represented Plaintiff after Quinn withdrew, the amended complaint alleges that Stegal: filed documents with the Sixth Circuit “without [Stinson’s] approval or knowledge”; failed to keep Stinson informed; failed to communicate with Stinson; created a conflict of interest; and submitted a brief that “was not fully developed” to the Sixth Circuit. (ECF No. 8 at PageID 77; *cf.* ECF No. 7 at PageID 68 (original complaint generally alleged that Stegal rendered ineffective assistance of counsel (internal citations omitted).)

Seeking \$1,000,000 from Miller, who represented Stinson on appeal, the amended complaint alleges that Miller “was paid in full and did not get the [P]etitioner out of prison. Therefore, the [P]etitioner is claiming ineffective assistance of counsel and conflict of interest.” (ECF No. 9 at PageID 81 (Miller “got statements from two of the witness[es] that was not call[ed] to testify at trial”); *see also* ECF No. 8 at PageID 77 (Miller “submitted a 2255 motion to the district court without defendant [sic] approval nor knowledge”); *cf.* ECF No. 7 at PageID 68 (original complaint asserted a generalized ineffective assistance of counsel claim against Miller) (internal citations omitted).)

Notwithstanding these amended allegations, private attorneys such as Quinn, Stegal, and Miller are not state actors who can be sued under § 1983. (*See* ECF No. 7 at PageID 69 (internal citations omitted).) Furthermore, the amended complaint’s and the MSJ’s ineffective assistance of counsel claims, *see* ECF No. 8 at PageID 54–55, ECF No. 9 at PageID 74–75 & 77, and ECF No. 10 at PageID 86–87, arise from alleged denial of Stinson’s right to present a defense. Such

misapprehension of governing law, the moving party on summary judgment bears the initial burden of demonstrating that no genuine issue of material fact exists. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Stinson’s MSJ makes no citations to the record that demonstrate undisputed material facts warranting judgment in his favor. (*See* ECF No. 10.) These deficiencies alone warrant denial of the MSJ. Nevertheless, in the interest of this case’s expeditious resolution, the Court discusses the MSJ’s substantive failings *infra*.

claims challenge the fact or length of Stinson’s custody, meaning that Stinson must assert them a habeas petition—and not under § 1983. (See ECF No. 7 at PageID 69 (internal citations omitted).) *See Preiser v. Rodriguez*, 411 U.S. 475, 488–90 (1973).

For these reasons, the amended complaints fails to state a cognizable claim to relief against Quinn, Stegal, and Miller. Similarly, the MSJ, aside from its procedural defects noted *infra*, lacks merit because Stinson has not shown that undisputed material facts entitle him to judgment as a matter of law. *See* Fed. R. Civ. P. 56(a)

Claims Against Judge Fowlkes, AUSA Griffin & DJTD Attorney Brooks: Stinson’s original complaint alleged a litany of vague and generalized wrongdoing by Judge Fowlkes. (See ECF No. 7 at PageID 62–63 (internal citations omitted).) Seeking \$2,000,000 from the Judge, Stinson’s amended pleading alleges that Judge Fowlkes: “did nothing” when defense counsel told the Court that the handwriting expert had lied; failed to enter into evidence “an email showing the conspiracy between the prosecutors and the defense attorney”; allowed prosecutors “to take too many picks at the jury selection”; denied Stinson his right to effective counsel; “knew that the indictment was bad”; twice denied Stinson the right to fire his counsel; prejudiced Stinson by “fail[ing] to ease [his] dissatisfaction, distrust or concerns”; failed to conduct a competency hearing; generally violated Stinson’s constitutional rights; mis-read the jury instructions; denied Stinson a fair trial; sealed the indictment after trial; afforded the prosecutor two closing remarks; and denied Stinson the right to present exculpatory evidence. (ECF No. 8 at PageID 75–76.) These amended allegations arise from actions that Judge Fowlkes took in his judicial capacity during Stinson’s trial and sentencing. There are no facts in the amended complaint from which to infer that Judge Fowlkes lacked jurisdiction over Stinson’s trial or sentencing. Therefore, the doctrine of judicial

immunity bars the amended complaint's claims against Judge Fowlkes. (See ECF No. 7 at PageID 63–64 (citing cases).)

Seeking \$3,000,000 apiece from AUSA Griffin and DJTD counsel Brooks, the amended complaint echoes the original pleading's contention that Griffin and Brooks: did not summon Stinson to the grand jury hearing; presented trial witnesses who gave false testimony; failed to produce all discovery; intimidated and tampered with witnesses; “made too many” juror selections; and generally violated various of Stinson’s constitutional rights. (ECF No. 8 at PageID 73–74; *cf.* ECF No. 7 at PageID 65.) The amended complaint further alleges that Griffin and Brooks: “issued a bad indictment”; committed conspiracy, fraud, and miscarriage of justice; sealed the indictment after trial; afforded immunity to the prosecution’s witness while denying it to the defense’s; “violated [the] discovery process”; and “admitted evidence that was totally without relevance.” (ECF No. 8 at PageID 73–74.) However, the amended complaint does not allege any facts that negate Griffin’s and Brooks’s absolute immunity for actions taken in their advocacy to the grand jury and their prosecution of claims at trial. (See ECF No. 7 at PageID 65 (citing cases).) Furthermore, Griffin’s evidence investigation and his advocacy in open court are an “integral part of the judicial process” that is protected by absolute immunity.” (See ECF No. 8 at PageID 73 (amended allegations contending that Griffin lacked supporting evidence before the grand jury, that he failed to disclose exculpatory evidence, and that he tampered with witnesses); *and see* ECF No. 7 at PageID 65 (citing *Imbler v. Pachtman*, 424 U.S. 409, 430 (1976), *Koubriti v. Convertino*, 593 F.3d 459, 467-68 (6th Cir. 2010), and *Morgan v. Discenza*, No. 15-2332, 2016 WL 11478135, at *5 (W.D. Tenn. Feb. 9, 2016).)

For all of these reasons, the amended complaint fails to state any claims to relief against Judge Fowlkes, AUSA Griffin, and DJTD attorney Brooks.

§ 1983 Claims Against Jenkins: Similar to Stinson's original pleading, the amended complaint does not indicate whether Plaintiff sues Chancellor Jenkins in his official or individual capacity for seizing funds related to criminal charges against Plaintiff. (ECF No. 8 at PageID 76–77; *see also* ECF No. 7 at PageID 66–67 (internal citations omitted).) Therefore, the Court construes the amended complaint as alleging official capacity claims against Jenkins as Chancellor of Shelby County. *See Northcott v. Plunkett*, 42 F. App'x 795, 796 (6th Cir. 2002) (citation omitted); <https://www.shelbycountyttn.gov/3189/Chancellor-JoeDae-L-Jenkins>). However, the amended complaint still fails to allege that Stinson was injured due to an unconstitutional policy or custom of Shelby County. Instead, the amended pleading simply parrots the original complaint's contention that Chancellor Jenkins "illegally seized \$73,033.89" from Stinson's business so that he "could not get an experience[d] income tax attorney." (ECF No. 8 at PageID 76; *cf.* 2128 Case, ECF No. 1 at PageID 7; *cf.* 2148 Case, ECF No. 1 at PageID 6.) The amended complaint describes no Shelby County policy at all, much less one pursuant to which Stinson suffered constitutional deprivation.

For all of these reasons, nothing in the amended complaint alters the analyses set forth in the Screening Order. The amended complaint, in addition to being time-barred, fails to state a claim to relief and is **DISMISSED WITH PREJUDICE**.

III. APPELLATE ISSUES

Under Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), the Court has to also consider whether an appeal by Plaintiff here would be taken in good faith. *See Callihan v. Schneider*, 178 F.3d 800, 803–04 (6th Cir. 1999). Under Rule 24(a), if the district court permits a party to proceed *in forma pauperis*, that party may also proceed on appeal *in forma pauperis* without further authorization. That is, unless the district court "certifies that the appeal is not taken

in good faith or finds that the party is not otherwise entitled to proceed *in forma pauperis*.” Fed. R. App. P. 24(a)(3)(A). If the district court denies pauper status, the party may move to proceed *in forma pauperis* in the Court of Appeals. Fed. R. App. P. 24(a)(4)–(5).

The good faith standard is an objective one. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). The test for whether a party appeals in good faith is if the litigant seeks appellate review of any issue that is not frivolous. *Id.* “It would be inconsistent for a court to determine that a complaint should be dismissed prior to service on Defendants but has sufficient merit to support an appeal *in forma pauperis*.” *DePriest v. Prestress Servs., Inc.*, No. 13-2768-JDT-cgc, 2014 WL 1269933, at *1 (W.D. Tenn. Mar. 27, 2014) (citing *Williams v. Kullman*, 722 F.2d 1048, 1050 n.1 (2d Cir. 1983)). For the same reasons this Court dismisses the amended complaint for failure to state a claim, the Court finds that an appeal would not be taken in good faith. The Court therefore **CERTIFIES**, under Federal Rule of Appellate Procedure 24(a), that any appeal by Stinson would not be taken in good faith. The Court **DENIES** leave to proceed on appeal *in forma pauperis*. In this vein, Stinson’s Motion for Leave to Appeal *In Forma Pauperis* (ECF No. 11) is **DENIED**. If Plaintiff appeals, he must pay the \$505 appellate filing fee or move for leave to appeal *in forma pauperis* with a supporting affidavit in the Sixth Circuit. *See* Fed. R. App. P. 24(a)(5).

IV. AMENDMENT UNDER THE PRISON LITIGATION REFORM ACT (“PLRA”)

The Court also **DENIES** leave to amend under 28 U.S.C. §§ 1915(e)(2) and 1915A(b). The Sixth Circuit has held that a district court may allow a prisoner to amend his complaint to avoid dismissal under the PLRA. *LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013). In fact, the Sixth Circuit prefers “liberality” in allowing amendment at the screening stage under the PLRA. *Lucas v. Chalk*, 785 F. App’x 288, 292 (6th Cir. 2019). And the Court has also stated “[i]f

it is at all possible that the party ... can ... state a claim for relief, the court should dismiss with leave to amend." *Id.* (quoting *Brown v. Matauszak*, 415 F. App'x 608, 614 (6th Cir. 2011)).

Even so, the Court has already allowed Plaintiff to amend his complaint. And yet, he still failed to state a claim for relief. So here, the Court finds that further amendment would be futile. *See Gonzalez-Gonzalez v. United States*, 257 F.3d 31, 37 (1st Cir. 2001) ("If it is crystal clear that . . . amending the complaint would be futile, then a *sua sponte* dismissal may stand."); *Curley v. Perry*, 246 F.3d 1278, 1284 (10th Cir. 2001). For these reasons, the Court finds that it should not allow Plaintiff to amend his claims yet another time.

V. NOTICE OF STRIKE RECOMMENDATION

The "three strikes" provision of 28 U.S.C. § 1915(g) prevents a court from granting *in forma pauperis* status to a prisoner who "has, on 3 or more prior occasions, while incarcerated . . . brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted." 28 U.S.C. § 1915(g). For § 1915(g) analysis of Plaintiff's future filings, if any, the Court recommends that the instant dismissal of this case be treated as a strike pursuant to 28 U.S.C. § 1915(g). *See Simons v. Washington*, No. 20-1406, 2021 WL 1727619, at *1 (6th Cir. May 3, 2021).

VI. CONCLUSION

For all of the reasons explained above:

- (1) Stinson's motion to amend (ECF No. 9) is **GRANTED**;
- (2) Stinson's amended complaint (ECF Nos. 8 & 9) is **DISMISSED WITH PREJUDICE** for failure to state a claim to relief, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1);
- (3) Leave to amend is **DENIED**;

- (4) Stinson's motion for summary judgment (ECF No. 10) is **DENIED**; and
- (5) Stinson's motion for leave to appeal *in forma pauperis* (ECF No. 11) is **DENIED**.

IT IS SO ORDERED, this 9th day of September 2021.

s/ Mark S. Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE

General Docket
United States Court of Appeals for the Sixth Circuit

Court of Appeals Docket #: 21-5904
Nature of Suit: 2550 Prisoner: Civil Rights
 Mark Stinson v. John Fowlkes, Jr., et al
Appeal From: Western District of Tennessee at Memphis
Fee Status: pending in 6th Cir

Docketed: 09/23/2021
Termed: 12/30/2021

Case Type Information:

- 1) Prisoner
- 2) Federal
- 3) Prisoner Civil Rights

Originating Court Information:

District: 0651-2 : 2:21-cv-02128
Trial Judge: Mark S. Norris, Senior, U.S. District Judge
Date Filed: 02/12/2021
Date Order/Judgment:
 09/09/2021

Date NOA Filed:
 09/22/2021

Prior Cases:

None

Current Cases:

None

MARK T STINSON, SR.
 Plaintiff - Appellant

Mark T. Stinson, Sr.
 Direct: 901-542-1943
 [NTC Pro Se]
 1629 Winchester Road
 Memphis, TN 38116

v.

JOHN THOMAS FOWLKES, JR.
 Defendant - Appellee

DAMON KEITH GRIFFIN, SR., Assistant U.S. Attorney
 Defendant - Appellee

NATHAN PATRICK BROOKS, U.S. Dept. of Justice, Tax Division
 Defendant - Appellee

ARTHUR E. QUINN, Attorney at Trial
 Defendant - Appellee

PATRICK E. STEGALL, Attorney Appointed
 Defendant - Appellee

JUDGE JOEDAE L. JENKINS
 Defendant - Appellee

LARRY C. MILLER, Attorney at Law
 Defendant - Appellee

MARK T STINSON, SR.

Plaintiff - Appellant

v.

JOHN THOMAS FOWLKES, JR.; DAMON KEITH GRIFFIN, SR., Assistant U.S. Attorney; NATHAN PATRICK BROOKS, U.S. Dept. of Justice, Tax Division; ARTHUR E. QUINN, Attorney at Trial; PATRICK E. STEGALL, Attorney Appointed; JUDGE JOEDAE L. JENKINS; LARRY C. MILLER, Attorney at Law

Defendants - Appellees

09/23/2021	<input type="checkbox"/> <u>1</u> 9 pg, 454.23 KB	Prisoner Case Docketed. Notice filed by Appellant Mark Stinson. Transcript needed: n. (VLP) [Entered: 09/23/2021 02:20 PM]
09/23/2021	<input type="checkbox"/> <u>2</u>	The case manager for this case is: Virginia Padgett (VLP) [Entered: 09/23/2021 02:25 PM]
09/23/2021	<input type="checkbox"/> <u>3</u>	Defendant not served in district court, complaint dismissed prior to service. (VLP) [Entered: 09/23/2021 02:36 PM]
09/24/2021	<input type="checkbox"/> <u>5</u> 2 pg, 89.63 KB	4a4 Notice filed. Case held in abeyance pending a ruling on the motion to amend filed 09/17/2021 on the DCt Docket (RE 15). (VLP) [Entered: 09/24/2021 08:39 AM]
09/24/2021	<input type="checkbox"/> <u>6</u> 6 pg, 322.16 KB	Appellant MOTION filed by Mark Stinson to proceed in forma pauperis. Certificate of service: 09/24/2021. (VLP) [Entered: 09/24/2021 12:51 PM]
09/24/2021	<input type="checkbox"/> <u>7</u> 	2 pg, 77.82 KB Prisoner trust account statement filed. (VLP) [Entered: 09/24/2021 12:53 PM]
10/04/2021	<input type="checkbox"/> <u>8</u> 2 pg, 154.69 KB	NOTIFICATION filed by Mark Stinson regarding Notice of Appeal that states it was sent to DCt and Appellant had not yet heard anything so he forwarded to the 6th Circuit.. Certificate of Service: 09/30/2021. (VLP) [Entered: 10/05/2021 01:59 PM]
11/08/2021	<input type="checkbox"/> <u>9</u> 7 pg, 381.26 KB	Appellant MOTION filed by Mark Stinson for summary disposition and approve order granting motion to proceed in forma pauperis. Certificate of service: 11/04/2021. (RGF) [Entered: 11/09/2021 07:48 AM]
11/12/2021	<input type="checkbox"/> <u>10</u> 3 pg, 182.96 KB	Appellant MOTION filed by Mark Stinson to accept order granting motion to proceed in forma pauperis (21-2128, ECF No. 2) . Certificate of service: 11/02/2021. (RGF) [Entered: 11/15/2021 12:03 PM]
11/12/2021	<input type="checkbox"/> <u>11</u> 4 pg, 207.31 KB	CORRESPONDENCE: Requesting copy of updated docket sheet and copy of Sixth Circuit order withdrawing counsel of record. by Mark Stinson. This will be sent to him this date. (RGF) [Entered: 11/15/2021 12:10 PM]
11/22/2021	<input type="checkbox"/> <u>12</u> 3 pg, 378.93 KB	Appellant MOTION filed by Mark Stinson for Default Judgment. Certificate of service: 11/15/2021. (VLP) [Entered: 11/23/2021 10:33 AM]
11/29/2021	<input type="checkbox"/> <u>13</u> 7 pg, 414.07 KB	CORRESPONDENCE: Duplicate filing of #9- Document titled "Motion for summary disposition and approve order granting motion to proceed in forma pauperis" by Mark Stinson. (VLP) [Entered: 11/29/2021 04:46 PM]
12/02/2021	<input type="checkbox"/> <u>16</u> 4 pg, 241.1 KB	Appellant MOTION filed by Mark Stinson to Amend Complaint . Certificate of service: 11/22/2021. (VLP) [Entered: 12/08/2021 09:18 AM]
12/08/2021	<input type="checkbox"/> <u>14</u> 7 pg, 270.05 KB	4A4 ORDER from district court filed. Order Filed:12/07/2021 RE#15. (VLP) [Entered: 12/08/2021 07:42 AM]
12/08/2021	<input type="checkbox"/> <u>15</u> 3 pg, 157.45 KB	BRIEFING LETTER SENT setting pro se briefing schedule: appellant brief due 01/20/2022;. (VLP) [Entered: 12/08/2021 07:51 AM]
12/10/2021	<input type="checkbox"/> <u>17</u> 5 pg, 475.06 KB	MEMORANDUM IN SUPPORT filed regarding motion to proceed ifp previously filed by Mark Stinson in 21-5904 , motion to Amend Complaint previously filed by Mark Stinson in 21-5904 , motion for Default Judgment previously filed by Mark Stinson in 21-5904. Certificate of service:12/03/2021. (VLP) [Entered: 12/10/2021 03:28 PM]
12/10/2021	<input type="checkbox"/> <u>18</u> 8 pg, 497.83 KB	Appellant MOTION filed by Mark Stinson to add attorneys to complaint. Certificate of service: 12/04/2021. (VLP) [Entered: 12/10/2021 03:35 PM]
12/15/2021	<input type="checkbox"/> <u>19</u> 9 pg, 582.41 KB	LETTER SENT to Mark Stinson, regarding a tendered motion to amend complaint RE#10. (VLP) [Entered: 12/15/2021 09:19 AM]
12/20/2021	<input type="checkbox"/> <u>20</u> 2 pg, 128.71 KB	Copy of District Court Order filed 12/20/2021 RE#23 Regarding Motion (Re#22) to add attorneys to the Complaint and Amend the Complaint and notify all parties and Default Judgment and Reconsideration. (VLP) [Entered: 12/20/2021 04:00 PM]
12/29/2021	<input type="checkbox"/> <u>21</u> 2 pg, 135.89 KB	Appellant MOTION filed by Mark Stinson to dismiss voluntarily pursuant to FRAP 42(b). Certificate of service: 12/23/2021. (VLP) [Entered: 12/29/2021 04:07 PM]
12/30/2021	<input type="checkbox"/> <u>22</u> 1 pg, 93.92 KB	ORDER filed granting motion to dismiss case - voluntarily [21] filed by Mark Stinson.. (VLP) [Entered: 12/30/2021 12:19 PM]
01/07/2022	<input type="checkbox"/> <u>23</u> 2 pg, 102.68 KB	Appellant MOTION filed by Mark Stinson to reinstate case. Certificate of service: 01/03/2022. (RGF) [Entered: 01/07/2022 03:23 PM]
04/12/2022	<input type="checkbox"/> <u>24</u> 2 pg, 62.11 KB	TENDERED APPELLANT BRIEF filed by Mr. Mark T. Stinson, Sr. Certificate of Service:04/12/2022. Argument Request: not received. (VLP) [Entered: 04/12/2022 03:07 PM]
04/27/2022	<input type="checkbox"/> <u>25</u> 2 pg, 409.76 KB	NOTIFICATION filed by Mr. Mark T. Stinson, Sr. regarding docket register and change of address. Certificate of Service: 04/23/2022. (VLP) [Entered: 04/27/2022 11:44 AM]

Documents and Docket Summary **Documents Only** **Include Page Numbers****Selected Pages:** 0**Selected Size:** 0 KB**Totals reflect accessible documents only and do not include unauthorized restricted documents.**

PACER Service Center			
Transaction Receipt			
05/15/2022 16:17:12			
PACER Login:	markstinson	Client Code:	
Description:	Docket Report (filtered)	Search Criteria:	21-5904
Billable Pages:	2	Cost:	0.20

**AFFIDAVIT OF MARK STINSON
Reg #29908-076**

May 16, 2022

KNOW ALL MEN BY THESE PRESENTS:

1. That I Mark Stinson, the Plaintiff in the legal Civil Case Style Mark Stinson v. John T. Fowlkes, et al., Case No. 2:21CV2128-MSN-TMP, denied, appeal No. 21-5904. Civil Rights Complaint.
2. That the plaintiff is requesting relief for Case No. 21-5904, in the amount of Sixty Five Million Dollars (\$65,000,000,00) immediately, for malicious prosecution, false arrest and imprisonment, pain and suffering, mental stress on petitioner and his family, malicious cruel and unusual punishment, fraud malicious aggravated loss of liberty, conspiracy, malicious aggravated punishment disproportionate to the offense, fundamentally unfairness, misrepresentation and malicious aggravated defamation of character.
3. That for Judges Part Ten Million (\$10,000,000.00) each, the Prosecutors Ten Million (\$10,000,000.00) each and the Attorneys Five Million (\$5,000,000.00) each.
4. That the Defendants violated the plaintiff's First, Fourth, Fifth, Sixth and Eighth Amendment Rights.
5. That this Affidavit is made in the interest of justice and is not meant to delay the proceedings and made in good faith.
6. That this statement is giving pursuant to title 28 U.S.C. § 1746.



Mark Stinson
Reg #29908-076